

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

JIMMY L. TUCKER

Plaintiff,

No. 3:10-cv-06190-HZ

v.

MICHAEL J. ASTRUE, Commissioner
of Social Security,

ORDER

Defendant.

Plaintiff Jimmy Tucker brought this action seeking review of the Commissioner's decision to deny his application for supplemental security income (SSI). On June 15, 2011, based on the parties' stipulation, I remanded the case to the Commissioner for further proceedings. Judgment was entered that same date.

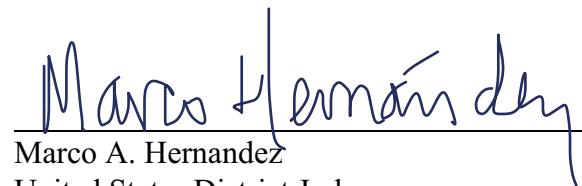
Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no objection to the request. I have reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of

counsel's hours and services. Applying the standards set by Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

I grant the motion [#29] and award plaintiff's counsel \$2,702.50 in attorney's fees under 42 U.S.C. § 406(b). Previously, I awarded plaintiff attorney's fees in the amount of \$7,000 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. However, this entire amount was seized by the Treasury. Thus, when issuing the section 406(b) check for payment to plaintiff's attorney, the Commissioner is directed to sent the full awarded amount of \$2,702.50 to plaintiff's attorney, less any applicable processing fees as allowed by statute.

IT IS SO ORDERED.

Dated this 24 day of November, 2012


Marco A. Hernandez
United States District Judge